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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,142	05/14/2001	Adrian David Lincoln	211202	1124

23460 7590 08/26/2004

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2143

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DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,142

Applicant(s)

LINCOLN, ADRIAN

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/30/02</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher et al (US Pat No: US006226680B1), hereafter referred to as Boucher.

1. With regards to claim 1, Boucher teaches a data package for holding an information request and corresponding response data, comprising: a plurality of layers, the layers including a routing layer and a client request layer respectively containing routing information and an information request, the package being transmittable over a distributed network including a plurality of processing nodes and each layer being interpretable by only a subset of the processing nodes (The claimed traits are available in data transferring networks. The removal and addition of header information (layers) from packets (package) of information occur in networks, such as Boucher's (column 2, lines 35-54, Boucher). In addition, data packets must contain the claimed routing information. When data packets are routed from one node to another, the nodes read specific header information (such as the routing information) to properly handle the data packet).

2. With regards to claim 2, Boucher teaches a package wherein the layers further include at least one or more layer selected from a group containing client device information, user identification information, and application identification information (Data packets have headers that contain specific information such as routing information and device and client information. This information is necessary in data networks, by the devices (nodes) in the network, to handle the data packets properly. Boucher's design uses such a network with data packets).

3. With regards to claim 3, Boucher teaches a distributed network including a plurality of processing nodes each operative to interpret at least a respective one of the layers of the package and to add and/or remove layers before passing the package to another one of the nodes (The removal and addition of header information (layers) from packets (package) of information occur in networks, such as Boucher's (column 2, lines 35-54, Boucher)).

4. With regards to claim 4, Boucher teaches an apparatus for responding to an information request, comprising means for providing an information request in a client device, wrapping means for wrapping the information request in one or more layers to produce a request package, transmitting means for transmitting the request package over a distributed network comprising a plurality of processing nodes, means for adding and/or removing layers from the package at one or more of the node, processing means

for processing the package at its final destination, and means for generating a response package for transmission back to the client device via the distributed network (The claimed traits are available in data transferring networks. Boucher's design uses a network with networked devices. Hence means are present within Boucher's design to handle the data packets in the claimed manner, such as making and replying to requests (column 12, lines 31-50, Boucher). The removal and addition of header information (layers) from packets (package) of information occur in networks, such as Boucher's (column 2, lines 35-54, Boucher). In addition, data packets must contain the claimed routing information. When data packets are routed from one node to another, the nodes read specific header information (such as the routing information) to properly handle the data packet).

5. With regards to claim 5, Boucher teaches an apparatus wherein the means for generating the response package generates it to include said information request (The data packets of Boucher's design are able to hold information just as all data packets. No limitation of form of information is made in the design, making all information formats are permissible, including the claimed format).

6. With regards to claim 6, Boucher teaches a method of responding to an information request, comprising the steps of providing an information request in a client device, wrapping the information request in one or more layers to produce a request package, transmitting the request package over a distributed network comprising a

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plurality of processing nodes, adding and/or removing layers to or from the package at one or more of the nodes, processing the package at its final destination, and generating a response package for transmission back to the client device via the distributed network (The claimed traits are available in data transferring networks. Boucher's design uses a network with networked devices. Hence means are present within Boucher's design to handle the data packets in the claimed manner, such as making and replying to requests (column 12, lines 31-50, Boucher). The removal and addition of header information (layers) from packets (package) of information occur in networks, such as Boucher's (column 2, lines 35-54, Boucher). In addition, data packets must contain the claimed routing information. When data packets are routed from one node to another, the nodes read specific header information (such as the routing information) to properly handle the data packet).

### ***Remarks***

After careful review of the application, the examiner failed to note any truly unique traits within the design claimed. The claims provided are seen as being general and would benefit from the inclusion of more detailed specifications. As they currently stand, most networks that use data packets may be used as prior art against the claims.

Should the applicants have any further details regarding their design that would present their design as being truly unique over the prior art provided by the examiner, they are encouraged to amend the specifications and claims to reflect such changes.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100